

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAUCH INDUSTRIES, INC.,

Plaintiff,
-against-
HEART ARTIST LLC AND CHRISTOPHER
RADKO,
Defendants.

USDC SDNY
DOCUMENT
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1:22-cv-00909-MKV

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

The Court is advised that the parties have reached a settlement in principle. [ECF No. 198]. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued without costs to any party and without prejudice to restoring the action to this Court's calendar if the parties are unable to memorialize their settlement in writing and as long as the application to restore the action is made by February 2, 2024. If no such application is made by that date, today's dismissal of the action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004).

It is further ORDERED that the discovery hearing scheduled for January 4, 2024 at 2:00 PM is adjourned *sine die*.

SO ORDERED.

Date: January 3, 2024
New York, NY



MARY KAY VYSKOCIL
United States District Judge